

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

MALIBU MEDIA, LLC,

Plaintiff,

v.

CRAIG AUGUSTON,

Defendant.

CASE NO.: 1:14-cv-01533-TSE-IDD

**PLAINTIFF'S FIRST MOTION FOR EXTENSION OF TIME WITHIN
WHICH IT HAS TO EFFECTUATE SERVICE ON DEFENDANT CRAIG AUGUSTON**

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC ("Plaintiff"), moves for entry of an order extending the time within which to effectuate service on Defendant Craig Auguston, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant's true identity is known by their Internet service provider ("ISP").

2. On November 18, 2014, Plaintiff was granted leave to serve a third party subpoena on Defendant's ISP, Verizon Online Services, to obtain the Defendant's identifying information [CM/ECF 7]. Plaintiff issued the subpoena on November 24, 2014, and received the ISP's response on February 9, 2015 after numerous follow ups.

3. On February 26, 2015, Plaintiff amended its Complaint to name the Defendant which was identified by the ISP [CM/ECF 10], and received a clerk issued summons on March 3, 2015. On March 3, 2015 Plaintiff forwarded the Amended Complaint and Summons to the

process server to effectuate service. However, despite the Process server's attempts it has been unable to serve the above captioned Defendant.

4. Pursuant to the Rule 4 (m), Plaintiff is required to effectuate service on Defendant by, March 17, 2015.

5. Procedurally, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended by thirty (30) days until April 17, 2015.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until April 17, 2015. A proposed order is attached for the Court's convenience.

Dated: March 17, 2015

Respectfully submitted,

By: /s/ William E. Tabot, Esq
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2015, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ William E. Tabot